

## Document Production Deficiencies

This list does not even include all of the deficiencies, but only the most important.

Document Request	Produced (if any relevant were produced)	Deficiency
1. Documents for all candidates related to first, second and third CPHC CEO interviews and postings; including but not limited to posting, application interview questions, interview notes, emails related to the selection process and the following forms used in each selection process for each candidate. HR 001, 003, 004, 005, 006, 007, 008, 009, 012, 013, 014, 015, 016, 017, 018, 019.	Only documents produced for third posting; many duplicative documents produced; produced	Nothing produced for the first and second postings.
2. A copy of DPS EEO investigative file regarding Plaintiff including any reports, statements, recordings, exhibits, emails, including but not limited to the letter written December 21, 2021 stating there was no reasonable cause to substantiate Plaintiff's allegations of discrimination and harassment; the file and all documentation communication related to the interview with Ms. Greta Bethea on April 15, 2021; the file and all documentation and communication related to the EEO Mediation with Marc Edwards on February 2, 2022; the file and all documentation and communication related to the EEO Hearing on February 18,	Miscellaneous documents (with many duplicates) relating to the EEO process were produced but at a minimum the documents used as exhibits by Mark Edwards at the internal hearing were not produced.	Defendants did not produce: <ul style="list-style-type: none"> <li>the recording of EEO meeting with Greta Bethea.</li> <li>Recording of hearing on February 18, 2022.</li> <li>Marc Edwards EEO documents from hearing, and specifically the written statements he provided at the hearing. (Only a performance evaluation for one year was produced).</li> <li>No emails related to the EEO final decision of Tim Moose dated April 8, 2022</li> </ul>

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2022 to include all evidence supplied by DPS Marc Edwards and the Plaintiff; the file and all documentation and communication associated with the EEO Final Agency Decision from Timothy Moose on April 8, 2022.		
3. A copy of the OSI investigation allegations on November 18, 2019 against Plaintiff including but not limited to reports, statements, recordings, exhibits, emails and all other documents, including but not limited to the Internal Investigation Report (INV-111); Multimedia supporting documentation and evidence from complainant (INV-109), Multimedia supporting documentation from subject employee (Plaintiff)(INV-109); Case assignment (INV-107); Investigator notes (INV-105); Subject employee information sheet (INV-106); Employee statement form (INV-102); Notice of Internal Investigation (INV-100), to include all witness interviews.	Only parts of the OSI file were produced.	<ul style="list-style-type: none"> <li>• Recordings of interviews not produced.</li> <li>• OSI investigation file and statements, exhibits not produced</li> <li>• Investigator notes not produce</li> <li>• Witness interviews not produced</li> <li>• Emails regarding the OSI investigation conclusions not produced</li> </ul>
4. A copy of the letter regarding Inquiry of Central Prison Healthcare Facility Controlled Substance Medication Issues from Tim Moose to W. David Guice	Produced letter to Steve West, DEA (Defendant has this) not the letter from Tim from Moose to Guice regarding internal investigation which exposes different treatment.	This document was not produced

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dated June 15, 2016, regarding controlled substance losses, internal investigation and placement of Knechtges into Acting CPHC CEO position.		
5.CPHC controlled substance documentation from February 2019 to March 2022.	<p>Pages 8-114 were controlled substance loss spreadsheets from 2015-16 which were not requested;</p> <p>Pages 1926-1939 were controlled substance documentation not requested;</p> <p>Pages 1110-1213 were controlled substance documents that were not requested.</p> <p>Pages 1926-1939 were controlled substance loss spreadsheets from 2016 which were not requested;</p> <p>Pages 2982-3004 were duplicates of controlled substance documents that were not requested.</p> <p>Pages 3916-3923 were duplicates of controlled substance documents that were not requested.</p>	Documents responsive to request were not produced of the requested records during during Chad Lovett's tenure which would show that Chad Lovett lacked experience with controlled substance documentation and in fact informed CPHC staff not to inform Pharmacy Services of controlled substance, propofol, and ketamine losses
6. Documentation showing the Health Services staff listed had all Health Services and work-related email correspondence removed during their investigation: Max Harris, Don McLoed, Joy Jones, Karen Marlowe,	Nothing provided.	No documentation was produced regarding the staff listed which would show that these individuals received either Documented Counseling Session or Written Warnings and that during the investigation into

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Chad Lovett etc. (refer to original document)		their conduct/performance their work-related email was still available to them.
<p>7. Copies of documentation including but not limited to hand-written notes, typed memos, email messages, texts, etc.</p> <p>a. regarding validation of Lovett's employment application and authority who did so.</p> <p>b. Showing written notification to Chad Lovett of non-selection after his first interview (second posting) and copy of written notification to Lovett of selection after second interview (third posting).</p> <p>c. proving Lovett's supplemental question answers were not false.</p> <p>d. showing Lovett met the requirement of "must demonstrate or provide supporting documentation within the body of your application that demonstrates your possession of each KSA listed".</p> <p>e. showing the Joint Commission Accreditation experience of Anita Wilson MD (prior DPS and CPHC Medical Director), Annie Harvey (Prison's Administration) and Douglas Holbrook (DPS</p>	<p>The only documents provided relevant to Lovett's application was the information previously provided by Plaintiff relative to the third posting. Nothing was provided on the second posting or the first posting, only the third posting.</p>	<p>No documentation was produced regarding the second posting for which Lovett applied but was found unqualified.</p> <p>No emails or correspondence to Lovett was provided for the second posting and third posting.</p> <p>No documents were provided showing the adoption of the Joint Commission accreditation standards by DPS or why that experience was considered by the 3<sup>rd</sup> interview team.</p> <p>No documents were produced regarding the DPS use of Joint Accreditation standards.</p> <p>The documented counseling given to Lovett (DCS) was not produced.</p> <p>Gatelogs for Chad Lovett were not produced.</p>

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<p>CFO).</p> <p>f. Showing individual/s who contacted Lovett to tell to apply for the third posting.</p> <p>g. DPS CPHC CEO Position Description Form for Chad Lovett</p> <p>h. Chad Lovett's Requests for Secondary Employment.</p> <p>i. Chad Lovett computer, laptop and state cell phone usage data/information from February 1, 2019 to March 31, 2022.</p> <p>j. Gate logs for Chad Lovett and Joy Jones from January 1, 2018, through March 1, 2022.</p> <p>k. Chad Lovett's Performance Evaluations, Performance Plans and Interim Reviews.</p>		
9. Documentation identifying all positions posted and into which individuals were hired beginning November 1, 2017 through December 31, 2018.	No documents provided.	No responsive documents produced.
10. All documentation related to the total number and type of all positions at CPHC for each month between between May 1, 2016 to December 31, 2018.	No documents provided.	No responsive documents were produced.
11. Documentation related to Chad Lovett's experience prior to being selected as the CPHC CEO in the following areas: Questions a – q.	No documents provided.	No responsive documents were produced.

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12. Copy of all documentation regarding salary increases for Terri Catlett, Gary Junker, Janet Thomas, Debra Fitzgerald, George Solomon, David Guice, Carlton Joyner, Kenneth Lassiter, Gwen Norville, Eric Hooks, Tim Moose, Twyla Philyaw, Trish Deal, Marc Edwards, Astrid Amico, Kim Tomin beginning in January 2010.	No documents provided.	No responsive documents were produced.
15. All Employee Action Plans (EAP) and Documented Counseling Sessions (DCS) completed by Pharmacy management team between January 1, 2009 to March 31, 2022	No documents provided.	No responsive documents were produced.
16. All Employee Action Plans (EAP) and Documented Counseling Sessions (DCS) completed by <u>Health Services on executive, manager and supervisor</u> level staff between January 1, 2009 to March 31, 2022.	No documents provided.	No responsive documents were produced.
17. Copy of Debra Fitzgerald's job reference for Knechtges CEO application.	No documents provided.	No responsive documents were produced.
18. Copies of documentation and communication, including but not limited reports, statements, recordings, exhibits, emails, hand-written notes, typed memos, emails: a. between Rueben Young	The only relevant documents provided were a few emails s between Holland and Thomas regarding the beginning of the OSI investigation. No other responsive documents were provided.	No emails or other documents were produced from Erik Hooks and Reuben Young regarding the selection process for the CEO position  No emails or other documents were produced from Sara

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<p>and Eric Hooks and other DPS staff regarding CPHC CEO position and associated individuals.</p> <p>b. between Sara Royster and Terri Catlett, Trish Deal, Luann Roberts, Twyla Philyaw regarding CPHC CEO position and withholding of position while Knechtges was Acting CPHC CEO.</p> <p>c. between Luann Roberts and DPS staff regarding the three CEO postings, changes in posting, interview changes.</p> <p>d. between Terri Catlett/Gary Junker and Chad Lovett regarding dotted line supervision since Lovett began as CEO in February 2019.</p> <p>e. between Janet Thomas (Brown) and Christopher Holland from December 1, 2018, to January 30, 2020.</p> <p>f. between Janet Thomas (Brown) and Terri Catlett from April 1, 2016, through December 31, 2021.</p> <p>g. between Debra Fitzgerald and Janet Thomas between April 1, 2016, and April 30, 2022.</p> <p>h. between Rueben Young and Sara Royster regarding CPHC CEO postings and associated individuals from October 2018 until Young left his position.</p> <p>i. between Kenneth Lassiter and Rueben Young; Terri Catlett; Joy Jones; Joseph</p>		<p>Royster and Terri Catlett, Trish Deal, Luann Roberts, Twyla Philyaw regarding CPHC CEO</p> <p>No emails or other documents were produced from Luann Roberts about the three postings</p> <p>No emails or other documents were produced from Janet Thomas (Brown) and Christopher Holland other than as listed to the left.</p> <p>No emails or other documents were produced from Debra Fitzgerald and Janet Thomas</p> <p>No emails or other documents were produced from Rueben Young and Sara Royster regarding CPHC CEO postings</p> <p>No emails or other documents were produced from Kenneth Lassiter and Rueben Young; Terri Catlett; Joy Jones; Joseph Prater; Janet Thomas</p> <p>No emails or other documents were produced from between Joseph Prater and Sara Royster regarding CPHC CEO postings</p>

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Prater; Janet j. between Joseph Prater and Sara Royster regarding CPHC CEO postings and associated individuals from January 1, 2017, through May 31, 2018.		
21. All documentation related to Anita Wilson's positions for DPS Medical Director and CPHC Medical Director including but not limited to posting, application interview questions, interview notes, emails related to the selection process and the following forms used in each selection process for each candidate	No documents provided.	No documents were provided relating to Anita Wilson's qualifications to be DPS and CPHC Medical Director.
22. Documentation showing Rueben Young's start date and end-date as DPS Chief Deputy Secretary for Adult Corrections and Juvenile Justice.	No documents provided.	No responsive documents were produced regarding the dates for Young's employment.
23. All Prisons and Health Services manager and supervisor positions hired starting December 2017 through August 2018.	No documents provided.	No responsive documents were produced to show that any manager or supervisor positions were filled between December 2017 and August 2018.
25. All Health Services Training and Travel authorizations (CNTR 001 and 001a) and associated costs between April 1, 2019, and September 30, 2019.	No responsive documents were provided other than a 2014 travel authorization document which was not requested.	No training and travel authorizations were provided except as listed to the left.
26. Documentation for Valerie Langley's Director of Informatics and DPS Director of Nursing positions to include all qualified	No documents provided.	No documents were provided relating to Valerie Langley's qualifications to be Director of Informatics and DPS Director of Nursing.



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candidates; including but not limited to posting, application interview questions, interview notes, emails related to the selection process and the following forms used in each selection process for each candidate.		

## DUPLICATIVE NONRESPONSIVE DOCUMENTS PROVIDED

In addition, please see the following chart which appears to show and attempt to withhold discovery and to provide incomplete, incorrect, and evasive information. I noted that your discovery production included approximately 2,877 pages of duplicated discovery; 740 pages of pages of blank spreadsheets; evidence already provided by Plaintiff to Respondent and seemingly non-responsive and irrelevant documentation not requested by Plaintiff.

Page No.	Subject	Failure to answer: Did not ask for this; not applicable or relevant	Failure to answer: Defendant' provided as evidence to Respondent.	Failure to answer: Information duplicated several times	Evasive or incomplete answer.
1 - 2	Travel Authorization 2014	X		X	X
3 - 7	3 <sup>rd</sup> posting CEO documents	X	X	X	X
8 – 114	Controlled Substance loss spreadsheets from 2015-16	X		X	X
522 - 533	DPS EEO investigator documents	Requested recordings, other documents, did not receive		X	X
534 - 535	DPS exempt positions	X		X	X
536	Defendant's FMLA provider medical note	X		X	X
537 - 728	DPS EEO mediation, hearing, and final agency decision (FAD)			X	X
1020-1058	<b>Repeated</b> DPS EEO information	X		X	X
1059-1062	Defendant's EEOC charge	X	X	X	X

Page No.	Subject	Failure to answer: Did not ask for this; not applicable or relevant	Failure to answer: Defendant' provided as evidence to Respondent.	Failure to answer: Information duplicated several times	Evasive or incomplete answer.
	dated Aug. 10, 2022				
1063	DPS EEO investigation and hearing documents	X		X	X
1076-1078	Email about FMLA	X		X	X
1079	2008 Career Banding	X		X	X
1080-1104	Change in Pharmacy Manager emails	X		X	X
1105 - 1109	Random email related to false OSI investigation	X		X	X
1110-1213	<b>Repeated</b> emails 2016-2019, USP 800, Omnicell, DEA, Controlled Substance, OSI	X		X	X
1339-1350	DPS positions spreadsheet	X			X
1351-1353	<b>Repeated</b> DPS EEO FAD	X	X	X	X
1370- 372	Hazardous Drug in Healthcare setting	X		X	X
1073–1430	<b>Repeated</b> 3 <sup>rd</sup> CEO posting documents	X	X	X	X
1431– 436	Implementation of 10-hour workweek memo from 2005	X	X	X	X

<b>Page No.</b>	<b>Subject</b>	<b>Failure to answer:</b> Did not ask for this; not applicable or relevant	<b>Failure to answer:</b> Defendant' provided as evidence to Respondent.	<b>Failure to answer:</b> Information duplicated several times	<b>Evasive or incomplete answer.</b>
1437-1444	<b>Repeated</b> EEO mediation, hearing info	<b>X</b>		<b>X</b>	<b>X</b>
1445-1575	OSI information	Did not receive recording or final document showing no action/insufficient evidence.		<b>X</b>	<b>X</b>
1576- 1604	<b>Repeated</b> 3 <sup>rd</sup> CEO posting; exempt emails; DEA, FMLA; personnel history from 2010.	<b>X</b>		<b>X</b>	<b>X</b>
1605-1607	Ethyl Chloride safety data sheet	<b>X</b>		<b>X</b>	<b>X</b>
1609- 613	Training records	<b>X</b>		<b>X</b>	<b>X</b>
1614-1622	<b>Repeated</b> travel authorization 2014; 3 <sup>rd</sup> CEO posting info.	<b>X</b>		<b>X</b>	<b>X</b>
1900-1925	Documents from OAH case 19-OSP-01028	<b>X</b>	<b>X</b>		<b>X</b>
1926-1939	<b>Repeated</b> controlled substance documentation from 2016	<b>X</b>		<b>X</b>	<b>X</b>
1940-2346	<b>Repeated</b> 3 <sup>rd</sup> CEO posting documents	<b>X</b>		<b>X</b>	<b>X</b>
2347-2763	<b>Repeated</b> DPS hearing and mediation, OSI	<b>X</b>		<b>X</b>	<b>X</b>
2764-2843	<b>Repeated</b> 3 <sup>rd</sup> CEO posting documents	<b>X</b>		<b>X</b>	<b>X</b>

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2844- 2897	<b>Repeated</b> DPS EEO findings	X		X	X
2898-2902	<b>Repeated</b> FMLA	X		X	X
2903	Career Banding from 2008, no longer used	X			X
2904-2981	<b>Repeated</b> emails from 2016, 2017, 2019	X		X	X
2982-3004	<b>Repeated</b> controlled substance information	X		X	X
3005-3157	<b>Repeated</b> OSI, hearing, EEO	X		X	X
3158-3169	<b>Repeated</b> list of DPS positions	X		X	X
<b>Page No.</b>	<b>Subject</b>	<b>Failure to answer:</b> Did not ask for this; not applicable or relevant	<b>Failure to answer:</b> Defendant' provided as evidence to Respondent.	<b>Failure to answer:</b> Information duplicated several times	<b>Evasive or incomplete answer.</b>
3193-3377	184 <b>Blank</b> Spreadsheets	X		X	X
3378- 3435	<b>Repeated</b> 3 <sup>rd</sup> posting documents	X	X	X	X
3436-3441	<b>Repeated</b> 10-hour work week from 2005	X		X	X
3442-3580	<b>Repeated</b> informal discussion, OSI, grievance info.	X		X	X

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3581-3693	<b>Repeated</b> OSI documents	X		X	X
3694-3699	<b>Repeated</b> training records	X		X	X
3700-3745	<b>Repeated</b> OSI, USP 800, Requests for transfer, medical note,	X		X	X
3746-3762	<b>Repeated</b> 3rd CEO posting documents, FMLA, FAD, Mediation	X	X	X	X
3763-3915	Dependent's work history; misc. documents; 2003 – 2011.			X	X
3916-3923	<b>Repeated controlled substance documentation</b>	X		X	X
<b>Page No.</b>	<b>Subject</b>	<b>Failure to answer:</b> Did not ask for this; not applicable or relevant	<b>Failure to answer:</b> Defendant' provided as evidence to Respondent.	<b>Failure to answer:</b> Information duplicated several times	<b>Evasive or incomplete answer.</b>
3924-3936	<b>Repeated</b> EEO, wok history 2010, ethyl chloride sheet, exempt mail.	X Partially not asked for or applicable		X	X
2937-3946	<b>Repeated</b> Defendant's training history, EEOC filing.	X		X	X

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		Partially not asked for or applicable.			
3947-4019	Defendant's exhibits given to DPS for hearing. Not requested	<b>X</b>	<b>X</b>		<b>X</b>
4020-4391	371 <b>Blank</b> spreadsheets	<b>X</b>		<b>X</b>	<b>X</b>
4392-4429	<b>Repeated</b> EEO documents	<b>X</b>		<b>X</b>	<b>X</b>
4430-4436	Employee history for one random retired DPS employee	<b>X</b>			<b>X</b>